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Twenty-seventh meeting of chairpersons of the human rights treaty bodies
San José, 22–26 June 2015
Item 4 (d) of the provisional agenda
Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and to the conclusions and recommendations of the twenty-sixth meeting of chairpersons: reporting compliance by States

Timely, late and non-reporting by States parties to the human rights treaty bodies

Note by the Secretariat

Summary

At their twenty-sixth meeting, in 2014, the treaty body chairpersons reaffirmed the decision taken at their twenty-fifth meeting to include the issue of late and non-reporting by States parties as a standing item on the agenda of their annual meeting. The present note contains an overview of reporting compliance by States parties as at 28 February 2015. Reporting is a dynamic process and the data included in this note is regularly updated on the website of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org).

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I. Background

1. States parties have an obligation to report periodically under the nine core international human rights treaties and two optional protocols: the International Covenant on Civil and Political Rights (1966); the International Covenant on Economic, Social and Cultural Rights (1966); the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); the Convention on the Rights of the Child (1989) and its two optional protocols (2000), on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); the Convention on the Rights of Persons with Disabilities (2006); and the International Convention for the Protection of All Persons from Enforced Disappearance (2006).

2. The chairpersons of the human rights treaty bodies, at their twenty-fifth annual meeting, in May 2013, expressed deep concern over late reporting and non-reporting by a number of States parties to international human rights treaties. On the basis of the annual reports of the respective treaty bodies, the chairpersons recommended that the secretariat provide regular updates on late reporting and non-reporting and place them on the website of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org). The chairpersons also decided to include the issue of late and non-reporting by States parties as a standing item on the agenda of the meeting (see A/68/334, para. 47).

3. At their twenty-sixth meeting, in 2014, the treaty body chairpersons welcomed the recommendation made at their twenty-fifth meeting that OHCHR place information on timely, late and non-reporting by States parties on its website. They recommended that the web page be updated on an ongoing basis. Furthermore, they reaffirmed the decision taken at their twenty-fifth meeting to include the issue of late and non-reporting by States parties as a standing item on the agenda of their annual meeting (see A/69/285, para. 112).

4. In paragraph 32 of its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, the General Assembly recognized that States had a legal obligation under the international human rights treaties to which they were party to periodically submit to the relevant human rights treaty bodies reports on the measures they had taken to give effect to the provisions of the relevant treaties, and noted the need to increase the level of compliance in that regard. In that same resolution, the Assembly invited States parties, as applicable and as an exceptional measure, with a view to achieving greater compliance with reporting obligations by States parties and eliminating the backlog of reports and in agreement with the relevant treaty body, to submit one combined report to satisfy their reporting obligations to the treaty body for the entire period for which reports to that treaty body were outstanding at the time of the adoption of the resolution.

5. The present note contains an overview of reporting compliance by States parties as at 28 February 2015. Reporting is a dynamic process and the data included in the note is regularly updated on the OHCHR website.

II. Reporting obligations of States parties under international human rights treaties

6. Nine core international human rights treaties and two optional protocols establish a reporting obligation for States parties. Once a State has acceded or ratified a human rights treaty, it is required to submit its initial report within one or two years after the treaty enters into force and, thereafter, periodic reports at intervals specified by the relevant treaty or committee. In most cases, the treaty explicitly sets out a timetable for the submission of initial and periodic reports, commonly referred to as the "reporting periodicity", on the basis of the date of entry into force of the treaty in the specific State party. The reporting periodicity, by treaty, is presented in table 1.[1]

Table 1
Reporting periodicity, by treaty

Treaty	*Initial report due (following ratification) within*	*Periodic reports due thereafter every*
ICERD	1 year	2 years
ICESCR	2 years	5 years
ICCPR	1 year	3, 4, 5 and 6 years
CEDAW	1 year	4 years
CAT	1 year	4 years
CRC	2 years	5 years
ICRMW	1 year	5 years
CRC-OPSC	2 years	5 years or with next report to the Committee on the Rights of the Child
CRC-OPAC	2 years	5 years or with next report to the Committee on the Rights of the Child
CRPD	2 years	4 years
ICPPED	2 years	As requested by the Committee on Enforced Disappearances (art. 29 (4))

[1] In tables, the following abbreviations are used: ICERD, International Convention on the Elimination of All Forms of Racial Discrimination; ICESCR, International Covenant on Economic, Social and Cultural Rights; ICCPR, International Covenant on Civil and Political Rights; CEDAW, Convention on the Elimination of All Forms of Discrimination against Women; CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; CRC, Convention on the Rights of the Child; ICRMW, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; CRC-OPSC, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; CRC-OPAC, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; CRPD, Convention on the Rights of Persons with Disabilities; ICPPED, International Convention for the Protection of All Persons from Enforced Disappearance.

7. In the case of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, no specific periodicity is envisaged in the treaties. Article 40 of the International Covenant on Civil and Political Rights, however, gives the Human Rights Committee discretion to decide when periodic reports shall be submitted. The Committee requests that periodic reports be submitted every three to six years following State party review, depending on the situation. Article 17 of the International Covenant on Economic, Social and Cultural Rights gives the Economic and Social Council discretion to establish the reporting frequency for the Covenant. Pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that Convention must report every two years but are allowed to merge two reports in one, which creates a de facto periodicity of four years. Although the International Convention for the Protection of All Persons from Enforced Disappearance does not provide for periodic reports, pursuant to article 29, paragraph 4, of the Convention, the Committee on Enforced Disappearances may request States parties to provide additional information on the implementation of the Convention, depending on their level of compliance with its provisions.

III. Reporting compliance by States parties as at 28 February 2015

A. States parties without overdue reports

8. Twenty-nine of the 196 States parties have submitted all the reports due under the relevant international human rights treaties and protocols (see table 2). Although some of the States parties have ratified fewer than five human rights instruments, the majority of compliant States are party to a large number of treaties (8-10).

Table 2
States parties without overdue reports as at 28 February 2015

State party	*Number of ratifications or accessions to international human rights treaties and optional protocols with a reporting procedure*	*State party*	*Number of ratifications or accessions to international human rights treaties and optional protocols with a reporting procedure*
Azerbaijan	10	Norway	9
Belgium	10	Oman	6
Bhutan	4	Portugal	10
Czech Republic	9	Qatar	7
Guatemala	10	Russian Federation	9
Holy See	5	Singapore	4
Iraq	10	Slovakia	10
Kazakhstan	9	Spain	10
Kuwait	9	Switzerland	9
Kyrgyzstan	9	The former Yugoslav Republic of Macedonia	9

State party	*Number of ratifications or accessions to international human rights treaties and optional protocols with a reporting procedure*	*State party*	*Number of ratifications or accessions to international human rights treaties and optional protocols with a reporting procedure*
Lithuania	10	Tuvalu	3
Montenegro	10	United States of America	5
New Zealand	9	Uzbekistan	8
Niue	1	Venezuela (Bolivarian Republic of)	9
Total: 29 States parties			

B. Status of overdue reports, by State party

9. The number of overdue initial and periodic reports by State party ranges from 1 to 10. One State party has 10 overdue reports; 5 States parties have 9 overdue reports; 3 States parties have 8 overdue reports; 7 States parties have 7 overdue reports; 19 States parties have 6 overdue reports; 21 States parties have 5 overdue reports; 23 States parties have 4 overdue reports; 24 States parties have 3 overdue reports; 31 States parties have 2 overdue reports and 32 States parties have 1 overdue report (see table 3).

Table 3
Number of overdue reports, by State party, as at 28 February 2015

Number of overdue reports	*States parties*
10	Nigeria (1 State party)
9	Cabo Verde, Lesotho, Mali, Niger, San Marino (5 States parties)
8	Libya, Saint Vincent and the Grenadines, Swaziland (3 States parties)
7	Afghanistan, Bahrain, Botswana, Dominica, Panama, Seychelles, Vanuatu (7 States parties)
6	Bangladesh, Belize, Benin, Bolivia (Plurinational State of), Brazil, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Guinea, Guinea-Bissau, Indonesia, Lebanon, Mauritania, Mozambique, Nicaragua, Pakistan, Romania, Senegal, Syrian Arab Republic (19 States parties)
5	Burkina Faso, Chad, Congo, Djibouti, Eritrea, Gabon, Grenada, Guyana, Hungary, India, Jamaica, Lao People's Democratic Republic, Liberia, Liechtenstein, Malaysia, Saudi Arabia, Sri Lanka, Timor-Leste, Tunisia, Uganda, Zambia (21 States parties)
4	Algeria, Antigua and Barbuda, Australia, Bahamas, Barbados, Burundi, Cambodia, Cameroon, Central African Republic, Democratic People's Republic of Korea, Egypt, Georgia, Honduras, Malawi, Malta, Nauru, Papua New Guinea, Republic of Moldova, Serbia, Somalia, South Africa, Trinidad and Tobago, Zimbabwe (23 States parties)

Number of overdue reports	*States parties*
3	Comoros, Croatia, Cuba, Ethiopia, Gambia, Ghana, Iran (Islamic Republic of), Kenya, Latvia, Luxembourg, Madagascar, Maldives, Mauritius, Monaco, Morocco, Namibia, Saint Kitts and Nevis, Sierra Leone, Solomon Islands, Suriname, Togo, Tunisia, United Republic of Tanzania, Yemen (24 States parties)
2	Andorra, Angola, Argentina, Belarus, Chile, China, Colombia, Cyprus, Dominican Republic, Ecuador, El Salvador, Greece, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kiribati, Marshall Islands, Micronesia (Federated States of), Mongolia, Myanmar, Palau, Rwanda, Saint Lucia, Samoa, Tajikistan, Thailand, Tonga, United Arab Emirates (31 States parties)
1	Albania, Austria, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Canada, Cook Islands, Costa Rica, Denmark, Estonia, Fiji, Finland, France, Germany, Haiti, Mexico, Nepal, Netherlands, Paraguay, Peru, Philippines, Poland, Republic of Korea, Sao Tome and Principe, Slovenia, Sudan, Sweden, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Viet Nam (32 States parties)

10. In terms of overdue initial reports, 1 State party has 7 reports pending; 9 States parties have 6 reports pending; 9 States parties have 5 reports pending; 15 States parties have 4 reports pending; 14 States parties have 3 reports pending; 28 States parties have 2 reports pending; and 45 States parties have 1 report pending (see table 4).

Table 4
Number of overdue initial reports, by State party, as at 28 February 2015

Number of overdue initial reports	*States parties*
7	Cabo Verde (1 State party)
6	Dominica, Lesotho, Mali, Niger, Nigeria, Saint Vincent and the Grenadines, San Marino, Swaziland, Vanuatu (9 States parties)
5	Bahrain, Bangladesh, Eritrea, Grenada, Guinea-Bissau, Liberia, Pakistan, Seychelles, Timor-Leste (9 States parties)
4	Belize, Benin, Bolivia (Plurinational State of), Burkina Faso, Djibouti, Equatorial Guinea, Guinea, Indonesia, Jamaica, Lao People's Democratic Republic, Malawi, Mauritania, Mozambique, Nauru, Senegal (15 States parties)
3	Afghanistan, Botswana, Congo, Côte d'Ivoire, Gabon, Guyana, Libya, Malaysia, Maldives, Namibia, Panama, Romania, Saudi Arabia, Somalia (14 States parties)
2	Andorra, Angola, Antigua and Barbuda, Bahamas, Brazil, Burundi, Central African Republic, Chad, Comoros, Cuba, Cyprus, Dominican Republic, Georgia, Ghana, Honduras, Lebanon, Mauritius, Monaco, Myanmar, Papua New Guinea, Samoa, Sierra Leone, South Africa, Tajikistan, Togo, Tunisia, Turkey, Zambia (28 States parties)

Number of overdue initial reports	*States parties*
1	Albania, Algeria, Austria, Brunei Darussalam, Cambodia, Cameroon, Chile, Colombia, Costa Rica, Croatia, Democratic Republic of the Congo, Ecuador, Egypt, Estonia, Finland, France, Gambia, Greece, India, Iran (Islamic Republic of), Israel, Japan, Kenya, Kiribati, Liechtenstein, Malta, Marshall Islands, Micronesia (Federated States of), Nicaragua, Palau, Peru, Rwanda, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tonga, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zimbabwe (45 States parties)

11. In terms of overdue periodic reports, 5 States parties have 5 reports pending; 16 States parties have 4 reports pending; 20 States parties have 3 reports pending; 45 States parties have 2 reports pending; and 56 States parties have 1 report pending (see table 5).

Table 5
Number of overdue periodic reports, by State party, as at 28 February 2015

Number of overdue periodic reports	*States parties*
5	Democratic Republic of the Congo, Hungary, Libya, Nicaragua, Syrian Arab Republic (5 States parties)
4	Afghanistan, Australia, Barbados, Botswana, Brazil, Democratic People's Republic of Korea, India, Lebanon, Liechtenstein, Nigeria, Panama, Republic of Moldova, Serbia, Sri Lanka, Trinidad and Tobago, Uganda (16 States parties)
3	Algeria, Cambodia, Cameroon, Chad, Egypt, Ethiopia, Latvia, Lesotho, Luxembourg, Madagascar, Mali, Malta, Morocco, Niger, Romania, San Marino, Solomon Islands, Tunisia, Zambia, Zimbabwe (20 States parties)
2	Antigua and Barbuda, Argentina, Bahamas, Bahrain, Belarus, Belize, Benin, Bolivia (Plurinational State of), Burundi, Cape Verde, Central African Republic, Congo, Côte d'Ivoire, Croatia, El Salvador, Equatorial Guinea, Gabon, Gambia, Georgia, Guinea, Guyana, Honduras, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jordan, Kenya, Malaysia, Mauritania, Mongolia, Mozambique, Papua New Guinea, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, South Africa, Suriname, Swaziland, Thailand, United Republic of Tanzania, Yemen (45 States parties)
1	Armenia, Bangladesh, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Comoros, Cook Islands, Cuba, Denmark, Djibouti, Dominica, Ecuador, Fiji, Germany, Ghana, Greece, Guinea-Bissau, Haiti, Israel, Jamaica, Japan, Kiribati, Lao People's Democratic Republic, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Nepal, Netherlands, Pakistan, Palau, Paraguay, Philippines, Poland, Republic of Korea, Rwanda, Saint Lucia, Sierra Leone, Slovenia, Somalia, Sweden, Togo, Tonga, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Vanuatu, Viet Nam (56 States parties)

IV. Reporting status, by treaty, as at 28 February 2015

12. As at 28 February 2015, 614 reports (309 initial reports and 305 periodic reports), or 38 per cent of all reports to be submitted to the treaty bodies, were overdue. The International Convention on the Elimination of All Forms of Racial Discrimination (54 per cent), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (49 per cent), the International Convention for the Protection of All Persons from Enforced Disappearance (49 per cent) and the International Covenant on Civil and Political Rights (48 per cent) had the highest proportion of States parties that were not complying with their reporting obligations under the respective treaty or that were not complying in a timely manner (see table 6).

Table 6
Overdue reports, by treaty, as at 28 February 2015

		Overdue initial reports		*Overdue periodic reports*		
Treaty	*Number of States parties (a)*	*Number (b)*	*Percentage (b)÷(a)*	*Number (c)*	*Percentage (c)÷[(a)–(b)]*	*Total number of overdue reports (percentage)*
ICCPR	168	22	13	59	40	81
ICESCR	164	28	17	37	27	65
ICERD	177	15	8	81	50	96
CAT	157	27	17	39	22	66
CEDAW	188	7	4	46	25	53
CRC	194	2	1	39	20	41
CRC-OPSC[a]	159	70	44	-	-	70
CRC-OPAC[a]	169	46	27	-	-	46
ICRMW	47	19	40	4	14	23
CRPD	152	51	34	0	0	51
ICPPED[b]	45	22	49	-	-	22
Total	**1 620**	**309**	**19**	**305**	**19**	**614 (38)**

Note: The data in the table are based on original due dates. Several committees, however, have made it possible for States parties with overdue reports to use the simplified reporting procedure. States parties that have availed themselves of that procedure have been given new due dates.

[a] Pursuant to article 12, paragraph 2, of the Optional Protocol on the sale of children, child prostitution and child pornography and article 8, paragraph 2 of the Optional Protocol on the involvement of children in armed conflict, following the submission of the comprehensive report, each State party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention on the Rights of the Chiló, any further information regarding the implementation of the respective protocol.

[b] Pursuant to article 29, paragraph 1, of the International Convention for the Protection of All Persons from Enforced Disappearance, States parties are required to submit a report. Pursuant to article 29, paragraph 4, of the Convention, they may also be required to provide additional information on the implementation of the Convention.

13. With regard to initial reports that States parties are required to submit within one or two years after the treaty enters into force in that State, the treaties for which the highest number of initial reports were overdue are the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (70),

the Convention on the Rights of Persons with Disabilities (51), the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (46), the International Covenant on Economic, Social and Cultural Rights (29), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (27), the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance (22), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (19), the International Convention on the Elimination of All Forms of Racial Discrimination (15), the Committee on the Elimination of Discrimination against Women (7) and the Convention on the Rights of the Child (2). The International Convention for the Protection of All Persons from Enforced Disappearance (49 per cent), the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (44 per cent) and the Convention on the Rights of Persons with Disabilities (34 per cent) have the highest proportion of non-reporting States parties (see table 6).

14. Of the 309 overdue initial reports, 144 (47 per cent) were less than 5 years overdue, 77 reports (25 per cent) were between 5 and 10 years overdue and 88 reports (28 per cent) were more than 10 years overdue. In the case of the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, more than half of the overdue initial reports were more than 10 years overdue (see table 7).

Table 7
Overdue initial reports, by length of time and treaty, as at 28 February 2015

		Length of time		
Treaty	*Number of overdue initial reports*	*Number of reports less than 5 years overdue (percentage)*	*Number of reports between 5 and 10 years overdue (percentage)*	*Number of reports more than 10 years overdue (percentage)*
ICCPR	22	5	7	10
ICESCR	28	3	6	19
ICERD	15	3	3	9
CAT	27	7	4	16
CEDAW	7	1	3	3
CRC	2	0	0	2
CRC-OPSC	70	26	29	15
CRC OPAC	46	21	15	10
ICRMW	19	7	8	4
CRPD	51	49	2	0
ICPPED	22	22	0	0
Total	**309**	**144 (47)**	**77 (25)**	**88 (28)**

15. The treaties with the highest number of overdue periodic reports were the International Convention on the Elimination of All Forms of Racial Discrimination (81), the International Covenant on Civil and Political Rights (59), the Convention on the Elimination of All Forms of Discrimination against Women (46), the Convention on the Rights of the Child (39), the International Covenant on Economic, Social and Cultural

Rights (37) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (29). The International Convention on the Elimination of All Forms of Racial Discrimination (46 per cent), the International Covenant on Civil and Political Rights (35 per cent), the Convention on the Elimination of All Forms of Discrimination against Women (24 per cent) and the International Covenant on Economic, Social and Cultural Rights (23 per cent) had the highest proportion of late-reporting States parties (see table 6).

16. Of the 305 overdue periodic reports, 184 (60 per cent) were less than 5 years overdue, 66 (22 per cent) were between 5 and 10 years overdue and 55 (18 per cent) were more than 10 years overdue. The International Covenant on Civil and Political Rights had the highest number of periodic reports that had been overdue for more than 10 years (19), followed by the International Convention on the Elimination of All Forms of Racial Discrimination (16) (see table 8).

Table 8
Overdue periodic reports, by length of time and treaty, as at 28 February 2015

		Length of time		
Treaties	*Number of overdue periodic reports*	*Number of reports less than 5 years overdue (percentage)*	*Number of reports between 5 and 10 years overdue (percentage)*	*Number of reports more than 10 years overdue (percentage)*
ICCPR	59	30	10	19
ICESCR	37	18	11	8
ICERD	81	37	28	16
CAT	39	36	2	1
CEDAW	46	38	5	3
CRC	39	22	9	8
CRC-OPAC[a]	-	-	-	-
CRC-OPSC[a]	-	-	-	-
ICRMW	4	3	1	0
CRPD	0	0	0	0
ICPPED[b]	-	-	-	-
Total	**305**	**184 (60)**	**66 (22)**	**55 (19)**

[a] Pursuant to article 12, paragraph 2, of the Optional Protocol on the sale of children, child prostitution and child pornography and article 8, paragraph 2, of the Optional Protocol on the involvement of children in armed conflict, following the submission of the comprehensive report, each State party shall include in the reports it submits to the Committee on the Rights of the Child, in accordance with article 44 of the Convention on the Rights of the Child, any further information regarding the implementation of the respective protocol.

[b] Although States parties to the International Convention for the Protection of All Persons from Enforced Disappearance are not required to submit periodic reports, pursuant to article 29, paragraph 4, of the Convention the Committee on Enforced Disappearances may request States parties to provide additional information on the implementation of the Convention.